

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 397 entitled “An act relating to miscellaneous amendments to the
4 statutes governing emergency management and flood response” respectfully
5 reports that it has considered the same and recommends that the Senate
6 propose to the House that the bill be amended by striking out all after the
7 enacting clause and inserting in lieu thereof the following:

8 * * * Division of Emergency Management; Plans and Reports * * *

9 Sec. 1. 20 V.S.A. § 3a is amended to read:

10 § 3a. EMERGENCY MANAGEMENT DIVISION; DUTIES; BUDGET

11 (a) In addition to other duties required by law, the Division of Emergency
12 Management shall:

13 * * *

14 (3) Annually on or before the last legislative day in January, provide an
15 update and presentation to the House Committee on Government Operations
16 and Military Affairs and the Senate Committee on Government Operations
17 concerning all action items in the all-hazards mitigation plan required by
18 subdivision (1) of this subsection.

19 * * *

1 Sec. 2. 20 V.S.A. § 41 is amended to read:

2 § 41. STATE EMERGENCY MANAGEMENT PLAN

3 The ~~Department of Public Safety's Vermont~~ Division of Emergency
4 Management Division, in consultation with stakeholders, shall create, and
5 republish as needed, but not less than every five years, a comprehensive State
6 Emergency Management Plan. The Plan shall:

7 (1) detail response systems during all-hazards events, including
8 communications, coordination among State, local, private, and volunteer
9 entities, and the deployment of State and federal resources. ~~The Plan shall also;~~

10 (2) detail the State's emergency preparedness measures and goals,
11 including those for the prevention of, protection against, mitigation of, and
12 recovery from all-hazards events. ~~The Plan shall; and~~

13 (3) include templates and guidance for regional emergency management
14 and for local emergency plans that support municipalities in their respective
15 emergency management planning.

16 * * * Voluntary Buyouts * * *

17 Sec. 3. 20 V.S.A. § 48 is amended to read:

18 § 48. COMMUNITY RESILIENCE AND DISASTER MITIGATION

19 GRANT PROGRAM

20 * * *

1 (c) Administration; implementation.

2 (1) Grant awards. The Department of Public Safety, in coordination
3 with the Department of Environmental Conservation, shall administer the
4 Program, which shall award grants for the following:

5 * * *

6 (C) projects that implement disaster mitigation measures, adaptation,
7 or repair, including watershed restoration, voluntary buyouts for flood-
8 impacted or -prone properties, and similar activities that directly reduce risks
9 to communities, lives, public collections of historic value, and property; and

10 * * *

11 * * * Division of Emergency Management; Assistance to Municipalities * * *

12 Sec. 4. 20 V.S.A. § 51 is added to read:

13 § 51. DIVISION OF EMERGENCY MANAGEMENT; ALL-HAZARD
14 AND WEATHER ALERT SYSTEMS FOR MUNICIPAL
15 CORPORATIONS

16 Upon request of a municipal corporation, the Division of Emergency
17 Management shall assist the municipal corporation with access to the
18 following:

19 (1) a statewide river observation and modeling system that details
20 current river level observations and models river flood outlooks; and

1 be under the control and direction of the legislative body of the municipality
2 and may be carried forward from year to year as an unassigned fund balance.
3 Unassigned fund balances may be invested and reinvested as are other monies
4 received by a town treasurer and may be expended for any public purpose as
5 established by the legislative body of the municipality.

6 Sec. 7. 24 V.S.A. § 1790 is added to read:

7 § 1790. EMERGENCY BORROWING; ALL-HAZARD EVENT OR STATE
8 OF EMERGENCY

9 The legislative body of a municipality may borrow money, in the name of
10 the municipal corporation, by issuance of its notes or orders for the purpose of
11 paying expenses of the municipal corporation or for public improvements
12 associated with an all-hazards event or a declared state of emergency pursuant
13 to 20 V.S.A. chapter 1. The notes or orders shall be for a period of not more
14 than five years or a term not to exceed the reasonably anticipated useful life of
15 the improvements or assets financed by the notes or orders.

16 Sec. 8. 24 V.S.A. § 1759 is amended to read:

17 § 1759. DENOMINATIONS; PAYMENTS; INTEREST

18 (a)(1) Any bond issued under this subchapter shall draw interest at a rate
19 not to exceed the rate approved by the voters of the municipal corporation in
20 accordance with section 1758 of this title, or if no rate is specified in the vote
21 under that section, at a rate approved by the legislative ~~branch~~ body of the

1 municipal corporation, ~~such~~ the interest to be payable ~~semiannually~~ as
2 determined by the legislative body of the municipal corporation. ~~Such~~ The
3 bonds or bond shall be payable serially, the first payment to be deferred not
4 later than from one to five years after the issuance of the bonds and subsequent
5 principal payments or debt service payments, which include both principal and
6 interest payments, to be continued annually in ~~equal~~ substantially level or
7 ~~diminishing~~ declining amounts, as determined by the legislative body of the
8 municipality, so that the entire debt will be paid in not more than 20 years from
9 the date of issue.

10 (2) In the case of bonds issued for the purchase or development of a
11 municipal forest, the first payment may be deferred not more than 30 years
12 from the date of issuance ~~thereof of the bond.~~ Thereafter such After any
13 deferral period, the bonds or bond shall be payable annually in ~~equal~~
14 substantially level or ~~diminishing amounts~~ declining annual debt service as the
15 legislative body of the municipal corporation may determine, so that the entire
16 debt will be paid in not more than 60 years from the date of issue.

17 * * *

18 (b) General obligation bonds authorized under this subchapter for the
19 purpose of financing the improvement, construction, acquisition, repair,
20 renovation, and replacement of a municipal plant as defined in 30 V.S.A.
21 § 2901 shall be paid serially, the first payment to be deferred not later than

1 from one to five years after the issuance of the bonds, and subsequent principal
2 payments or debt service payments, which include both principal and interest
3 payments, to be continued annually in substantially level or declining amounts,
4 as determined by the legislative body of the municipal corporation, so that the
5 entire debt will be paid ~~over a term equal to the useful life of the financed~~
6 ~~improvements, but~~ not more than 40 years from the date of issue, ~~and may be~~
7 ~~so arranged that beginning with the first year in which principal is payable, the~~
8 ~~amount of principal and interest in any year shall be as nearly equal as is~~
9 ~~practicable according to the denomination in which such bonds are issued,~~
10 notwithstanding other permissible payment schedules authorized by this
11 section.

12 * * * Dam Drawdown During Emergency Flood Events * * *

13 Sec. 9. 20 V.S.A. § 9 is amended to read:

14 § 9. EMERGENCY POWERS OF GOVERNOR

15 (a) Subject to the provisions of this chapter, in the event of an all-hazards
16 event in or directed upon the United States or Canada that causes or may cause
17 substantial damage or injury to persons or property within the State in any
18 manner, the Governor may declare a state of emergency within the entire State
19 or any portion or portions of the State. Thereafter, the Governor shall have and
20 may exercise for as long as the Governor determines the emergency to exist the
21 following additional powers within ~~such~~ the area or areas:

1 * * *

2 (b)(1) In consultation with the Secretary of Natural Resources or designee,
3 the Governor may authorize the Agency of Natural Resources to waive
4 applicable permits and restrictions under 10 V.S.A. chapter 47 or the Vermont
5 Water Quality Standards to allow dams within the State to draw down water
6 levels in anticipation of a flood event that is likely to cause substantial damage
7 or injury to persons or property. Waivers may only be issued if the Director of
8 the Division of Emergency Management, in consultation with the Secretary of
9 Natural Resources or designee, has significant reason to believe that
10 authorizing an advance drawdown will decrease the risk of substantial damage
11 to persons or property within the State. The Secretary or designee shall, to the
12 extent feasible, consult with applicable dam owners for federally licensed sites.
13 Dam operators operating under a waiver shall be required to make every effort
14 to minimize the environmental impact of a water level drawdown under the
15 authorized waiver.

16 (2) Dam owners authorized to use a waiver under this subsection shall
17 be required to develop a drawdown plan that is approved by the Secretary prior
18 to implementation of a drawdown. This subdivision shall not apply to dam
19 owners that have other plans approved by the Secretary in effect that address
20 emergency drawdowns. The drawdown plan shall at minimum include the
21 following:

1 collected on each sale that is subject to the Vermont sales tax using a
2 destination basis for taxation. Except with respect to taxes collected on the
3 sale of aviation jet fuel, a per-return fee of \$5.96 shall be assessed, ~~70~~ 75
4 percent of which shall be borne by the municipality, and ~~30~~ 25 percent of
5 which shall be borne by the State to be paid from the PILOT Special Fund.
6 Notwithstanding 32 V.S.A. § 603 or any other provision of law or municipal
7 charter to the contrary, revenue from the fee shall be used to compensate the
8 Department for the costs of administering and collecting the local option tax
9 and of administering the State appraisal and litigation program established in
10 32 V.S.A. § 5413. The fee shall be subject to the provisions of 32 V.S.A.
11 § 605.

12 * * *

13 (d)(1) Except as provided in subsection (c) of this section and subdivision
14 (2) of this subsection with respect to taxes collected on the sale of aviation jet
15 fuel, of the taxes collected under this section, ~~70~~ 75 percent of the taxes shall
16 be paid on a quarterly basis to the municipality in which they were collected,
17 after reduction for the costs of administration and collection under subsection
18 (c) of this section. Revenues received by a municipality may be expended for
19 municipal services only, and not for education expenditures. Any remaining
20 revenue shall be deposited into the PILOT Special Fund established by 32
21 V.S.A. § 3709.

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* * * Municipal Charters; Local Option Tax Revenue Share * * *

Sec. 12. 24 App. V.S.A. chapter 3, § 102d is amended to read:

§ 102d. LOCAL OPTION SALES TAX AUTHORITY

The Burlington City Council is authorized to impose a one percent sales tax upon sales within the City that are subject to the State of Vermont sales tax with the same exemptions as the State sales tax. The City sales tax shall be effective beginning on the next tax quarter following 30 days' notice in 2006 to the Department of Taxes, or shall be effective on the next tax quarter following 90 days' notice to the Department of Taxes if notice is given in 2007 or after. Any tax imposed under the authority of this section shall be collected and administered by the Vermont Department of Taxes in accordance with State law governing the State sales tax. ~~Seventy percent of the~~ The taxes collected shall be paid to the City, ~~and the remaining amount of the taxes collected shall be remitted to the State Treasurer for deposit in the PILOT Special Fund first established in 1997 Acts and Resolves No. 60, Sec. 89. The cost of administration and collection of this tax shall be paid 70 percent by the City and 30 percent by the State from the PILOT Special Fund pursuant to 24~~ V.S.A. § 138. The tax to be paid to the City, ~~less its obligation for 70 percent of the costs of administration and collection,~~ pursuant to 24 V.S.A. § 138 shall

1 be paid to the City on a quarterly basis and may be expended by the City for
2 municipal services only and not for education expenditures.

3 Sec. 13. 24 App. V.S.A. chapter 5, § 1214 is amended to read:

4 § 1214. LOCAL OPTION TAXES

5 Local option taxes are authorized under this section for the purpose of
6 affording the City an alternative method of raising municipal revenues.

7 Accordingly:

8 * * *

9 (3) ~~Of the taxes reported under this section, 70 percent shall be paid to~~
10 ~~the City for calendar years thereafter. Such revenues~~ The City's local option
11 tax revenue may be expended by the City for municipal services only and not
12 for educational expenditures. The remaining amount of the taxes reported
13 shall be remitted monthly to the State Treasurer for deposit in the PILOT
14 Special Fund set forth in 32 V.S.A. § 3709. Taxes due to the City under this
15 section shall be paid by the State on a quarterly basis.

16 Sec. 14. 24 App. V.S.A. chapter 127, § 1308a is amended to read:

17 § 1308a. SALES, ROOMS, MEALS, AND ALCOHOLIC BEVERAGES

18 TAX

19 * * *

20 (d) ~~Of the taxes collected under this section, 70 percent~~ The share of taxes
21 due to the Town pursuant to 24 V.S.A. § 138 shall be paid to the Town on a

1 quarterly basis ~~to the Town~~ after reduction for the costs of administration and
2 collection under subsection (c) of this section. Revenues received by the Town
3 may be expended for municipal services only and not for education
4 expenditures. Any remaining revenues shall be deposited in the PILOT
5 Special Fund established by 32 V.S.A. § 3709.

6 Sec. 15. 24 App. V.S.A. chapter 171, § 18 is amended to read:

7 § 18. LOCAL OPTIONS TAX

8 The Selectboard is authorized to impose a one percent sales tax, a one
9 percent meals and alcoholic beverages tax, and a one percent rooms tax upon
10 sales within the Town that are subject to the State of Vermont tax on sales,
11 meals, alcoholic beverages, and rooms. The Town tax shall be implemented in
12 the event the State local options tax as provided for in 24 V.S.A. § 138 is
13 repealed or the 70-percent allocation to the town is reduced. A tax imposed
14 under the authority of this section shall be collected and administered by the
15 Vermont Department of Taxes in accordance with State law governing the
16 State tax on sales, meals, alcoholic beverages, and rooms. ~~The amount of 70~~
17 ~~percent of the taxes collected shall be paid to the Town, and the remaining~~
18 ~~amount of the taxes collected shall be remitted to the State Treasurer for~~
19 ~~deposit in the Pilot Special Fund first established in 1997 Acts and Resolves~~
20 ~~No. 60, § 89 pursuant to 24 V.S.A. § 138.~~ The cost of administration and
21 collection of this tax shall be paid 70 percent by the Town and 30 percent by

1 ~~the State from the Pilot Special Fund~~ pursuant to 24 V.S.A. § 138. The tax to
2 be paid to the Town, ~~less its obligation for the 70 percent of the costs of~~
3 ~~administration and collection,~~ pursuant to 24 V.S.A. § 138 shall be paid to the
4 Town on a quarterly basis and may be expended by the Town for municipal
5 services only and not for education expenditures. The Town may repeal the
6 local option taxes by Australian ballot vote.

7 * * * Division of Emergency Management; Technical Corrections * * *

8 Sec. 16. 20 V.S.A. chapter 1 is amended to read:

9 CHAPTER 1. EMERGENCY MANAGEMENT

10 * * *

11 § 2. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (3) “Director” means the Director of ~~Vermont~~ the Division of
15 Emergency Management of the Department of Public Safety.

16 * * *

17 § 3. VERMONT EMERGENCY MANAGEMENT ~~DIVISION~~

18 (a) There is hereby created within the Department of Public Safety a
19 ~~division to~~ the Division of Emergency Management, which may also be known
20 ~~as the Vermont Emergency Management Division.~~

21 * * *

1 § 4. LANGUAGE ASSISTANCE SERVICES FOR STATE EMERGENCY
2 COMMUNICATIONS

3 (a) If an all-hazards event occurs, the ~~Vermont Emergency Management~~
4 Division shall ensure that language assistance services are available for all
5 State communications regarding the all-hazards event, including relevant press
6 conferences and emergency alerts, as soon as practicable. Language assistance
7 services shall be provided for:

8 * * *

9 (c) Annually, the ~~Vermont Emergency Management~~ Division shall hold a
10 public meeting with members of the Vermont Deaf, Hard of Hearing, and
11 DeafBlind Advisory Council; the Office of Racial Equity; the Vermont
12 Association of Broadcasters; and other relevant stakeholders to review the
13 adequacy and efficacy of the provision and distribution of language assistance
14 services of emergency communications over mass communication platforms to
15 individuals who are Deaf, Hard of Hearing, and DeafBlind as well as
16 individuals with limited English language proficiency.

17 * * *

18 Sec. 17. 20 V.S.A. § 112 is amended to read:

19 § 112. ADDITIONAL PROVISIONS — ARTICLE X

20 * * *

1 (b) The ~~director~~ Director of the Vermont ~~emergency management service~~
2 Emergency Management shall be the authorized representative in regard to a
3 request from a party state or by Vermont for aid that does not involve
4 personnel or elements of the Vermont National Guard.

5 * * *

6 (d) The ~~director~~ Director of Vermont ~~emergency management~~ Emergency
7 Management shall be responsible for handling any and all documents
8 necessary to obtain reimbursement hereunder for services rendered to a
9 requesting state, or within Vermont by another assisting state.

10 * * *

11 Sec. 18. 10 V.S.A. § 599a is amended to read:

12 § 599a. REPORTS; RULEMAKING

13 * * *

14 (c) In adopting the Strategy, the Agency shall:

15 * * *

16 (2) in consultation with other State agencies and departments, including
17 the Department of Public Safety's Division of ~~Vermont~~ Emergency
18 Management, assess the adaptation needs and vulnerabilities of various areas
19 vital to the State's economy, normal functioning, and the health and well-being
20 of Vermonters;

21 * * *

1

2

Senator _____

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FOR THE COMMITTEE